

DOCKET NO.: ISIS-4824**PATENT****REMARKS**

Claims 30-40 are pending in the current case. Claims 30 and 40 have been amended. Support for claims 30 and 40 can be found throughout the specification, specifically in paragraph 0124. No new matter has been added. The Applicants submit that in view of the following comments that the case is in proper form for allowance.

The Examiner has rejected claims 30-39 under 35 U.S.C. 103(a) as being unpatentable over WO99/60012 (Teng) in view of 5,672,359 (Digenis) and further in view of Muranishi for the reasons of record. The Applicants respectfully disagree with this rejection.

The Examiner has rejected claim 40 in view of the same references further in view of Urquhart. The Examiner states that the Teng does not teach a single dosage form wherein the two populations of carrier particles are released concurrently. The Examiner states that this deficiency is overcome by Urquhart who teaches a dosage form for delivering a single drug, two drugs or more, that are housed and separately dispensed. The claims have been amended to recite a single compartment capsule. This amendment is supported in paragraph 0124 which teaches non-multicompartment (i.e., single compartment) capsules. This is the opposite of what is taught by Urquhart. Therefore, the claims are not obvious in view of the prior art and the rejection is overcome.

FEES

It is believed that no fee is due with this response. However, if a fee is due, the Commissioner is hereby entitled to charge the Deposit Account 50-0252 referencing case ISIS-4824.

CONCLUSION


The Applicants submit that the application is now in proper form for allowance and respectfully request that the amendment be entered into the case after issuance of the final office action.

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PATENT

If the Examiner believes that there are any outstanding issues remaining in the case, he is encouraged to contact the Agent for Applicant listed below to discuss the matter.

Respectfully submitted,



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